Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 28. Lead-Based Paint Activities - Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities

' 2801. Scope and Applicability

A. ...

B. This Chapter applies to all persons and contractors who are engaged in lead-based paint activities in target housing and child-occupied facilities, as defined in LAC 33:III.2803, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

C. – G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28

' 2803. Definitions

A. The terms used in this Chapter are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined in this Section as follows:.

*Abatement*C any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:

a. ~~the removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil~~ the removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil when lead-based paint hazards are present in such paint, dust, or soil; and

b. all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

* * *

Arithmetic Mean—the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).

* * *

Chewable Surface—an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

* * *

Composite Sample—a collection of more than one sample of the same medium (such as dust, soil, or paint) from the same type surface (such as floor, interior window sill, or window trough), such that multiple samples can be analyzed as a single sample.

Concentration—the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.

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Deteriorated Paint—any interior or exterior paint or other coating that is chalking, cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component.

* * *

*Documented Methodologies***C**methods or protocols used to sample for the presence of lead in paint, dust, and soil. Documented methodologies that are appropriate to use for target housing and child-occupied facilities may be found in the American Society of Testing and Materials procedures, ASTM E1727, E1728, and E1792; the U.S. Department of Housing and Urban Development (HUD) *Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing* (HUD-006700); the EPA *Guidance on Identification of Lead-based Paint Hazards; Notice (FR 47248, Volume 60, Number 175)*; the EPA *Residential Sampling for Lead: Protocols for Dust and Soil Sampling* (EPA report number 747-R-95-001); and other EPA or HUD guidance**.**

Dripline—the area within 3 feet surrounding the perimeter of a building.

Dry Sanding or Dry Scraping—sanding or scraping without moisture and includes both hand and machine sanding. These practices are prohibited when removing lead-based paint (see LAC 33:III.2811.E.6).

Dust-Lead Hazard—surface dust in a residential building or child-occupied facility, or their exteriors, that contains a mass-per-area concentration of lead equal to or exceeding 40 micrograms per square foot or 250 micrograms per square foot on window sills based on wipe samples.

* * *

Friction Surface—an interior or exterior surface that is subject to abrasion or friction including, but not limited to, certain window, floor, and stair surfaces.

* * *

Impact Surface—an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

* * *

*Lead-Based Paint Hazard***C**paint-lead hazards, dust-lead hazards, or soil-lead hazards as defined in this Section. ~~any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse~~

~~human health effects as established by this Chapter.~~ For the purposes of this Chapter, *lead-based paint hazard* is equivalent to *lead hazard* as defined in R.S. 30:2351.1.

* * *

Loading—the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

Mid-Yard—an area of residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between driplines of a residential building and another building on the same property.

* * *

Paint-Lead Hazard—

a. any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust-lead hazard levels identified in this Chapter;

b. any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame);

c. any chewable lead-based painted surface on which there is evidence of teeth marks; and

d. any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

Play Area—an area of frequent soil contact by children six years of age or less as indicated by, but not limited to, such factors including the following: the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

* * *

Residential Building—a building containing one or more residential dwellings.

* * *

Room—a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least 6 inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.

Soil-Lead Hazard—bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million (micrograms per gram) in a play area or average of 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

Soil Sample—a sample collected in a representative location using ASTM E1727,

Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques, or equivalent method.

Substrate—the material directly beneath the painted surface out of which the components are constructed, including wood, drywall, plaster, brick, concrete, and metal.

* * *

Weighted Arithmetic Mean—the arithmetic mean of sample results weighted by the number of subsamples in each sample. Its purpose is to give influence to a sample relative to the surface area it represents. A single surface sample is comprised of a single subsample. A composite sample may contain from two to four subsamples of the same area as each other and of each single surface sample in the composite. The weighted arithmetic mean is obtained by summing, for all samples, the product of the sample's result multiplied by the number of subsamples in the sample and dividing the sum by the total number of subsamples contained in all samples. For example, the weighted arithmetic mean of a single surface sample containing 60 micrograms per square foot, a composite sample (three subsamples) containing 100 micrograms per square foot, and a composite sample (4 subsamples) containing 110 micrograms per square foot is 100 micrograms per square foot. This result is based on the equation [60+(3*100)+(4*110)]/(1+3+4).

Wet Sanding or Wet Scraping—a process to remove loose paint in which the painted surface to be sanded or scraped is kept wet to minimize the dispersal of paint chips and airborne dust.

* * *

Wipe Sample—a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, *Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques*, or equivalent method, with an acceptable wipe material as defined in ASTM E1792, *Standard Specification for Wipe Sampling Materials for Lead in Surface Dust*, or equivalent method.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1663 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28

' 2805. Recognition and Standards for Training Providers

A. – A.1. …

2. a training provider seeking recognition shall submit to the Office of Environmental Services, Permits Division the appropriate fees, as required in LAC 33:III.223, ~~and a written application~~ a completed LPF-4 form, and a completed LPF-5 form for each trainer to be recognized, containing the following information:

A.2.a. – B.2.a. …

b. training in the lead courses they are teaching; ~~and~~

c. current accreditation in the disciplines in which they instruct (lead

worker course instructors shall maintain supervisor accreditation); and

d. at least one year of experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene;

B.3. …

4. the following ~~documents~~ items shall be recognized by the department as evidence that training managers and principal instructors have the relevant education, work experience, training requirements, accreditations, and demonstrated experience:

B.4.a. …

b. résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; ~~and~~

c. certificates from train-the-trainer courses, ~~and~~ lead-specific training courses, and accreditations, as evidence of meeting the training requirements; and

d. principal instructors who were recognized initially based on training, education, and demonstrated work experience must provide current accreditation certificates in the appropriate disciplines by July 1, 2003, as required by Subparagraph B.2.c of this Section;

B.5. – C.2.c. …

d. visual inspection for the purposes of identifying potential hazards associated with lead-based paint, ~~lead-contaminated dust~~ dust-lead hazards, and ~~lead-contaminated soil~~ soil-lead hazards;*

C.2.e. – C.5.h. …

D. Renewal of Training Provider's Recognition

1. A training provider seeking renewal of its recognition shall submit, along with the appropriate fees as required in LAC 33:III.223, ~~and an application~~ a completed LPF-4 form and a completed LPF-5 form for each trainer to be recognized to the Office of Environmental Services, Permits Division, 60 days prior to its expiration date. If a training provider does not submit its renewal application by that date, the department cannot guarantee the application will be reviewed and acted upon before the end of the one-year period.

D.2. – E.2. …

3. the department shall be notified in writing of course location and time changes or cancellations ~~within~~ 24 hours ~~of~~ prior to the initial class day;

E.4 – G.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1666 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28

' 2807. Accreditation of Individuals

A. – A.3. …

4. After November 30, 1998, individuals seeking accreditation in the lead inspector, risk assessor, lead project supervisor, or lead project designer disciplines must pass the applicable state examination given by the department or its proxy. Individuals must pass the state examination, with a score of 70 percent or above, within ~~30 days~~ six months of receiving a course completion certificate. Individuals who fail the state exam will be allowed to take the exam ~~a second time~~ again within ~~the 30 day~~ a six-month period. Individuals who fail the state examination twice must retake the initial course before they will be allowed to retake the state examination. Anyone who fails the test three times within a six-month period may not apply for testing in that category for 90 days.

A.5. – 8.c. …

9. Upon meeting the provisions of this Section, the applicant will be issued an accreditation certificate by the department. The ~~anniversary of the original~~ issue date of the ~~training~~ accreditation certificate shall become the annual ~~expiration~~/renewal date of accreditation. ~~The accreditation and training expiration dates shall be concurrent.~~

B. – B.1.c.i. …

ii. risk assessors: successful completion of a recognized training course and state certification examination for inspectors and risk assessors, and:

B.1.c.ii.(a). – (e). …

iii. lead project supervisor: ~~either one year of experience as an accredited lead-based paint worker or~~ a high school diploma (or equivalent) and at least two years of experience in lead, asbestos, or environmental remediation work or in the building trades;

B.1.c.iv. – E.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1669 (December 1997), amended LR 24:2240 (December 1998); amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28

' 2809. Licensure of Lead Contractors

A. – A.3.c. …

4. Letters of approval shall be valid ~~for one year from date of issuance~~ through December 31 of issuance year. In order for lead contractors to be granted renewal, they must follow the procedures of this Subsection.

A.5. – B.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1671 (December 1997), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28

' 2811. Work Practice Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities

A. Applicability and Terms

1. All lead-based paint activities shall be performed in accordance with the work practice standards contained in this Section, except when treating paint-lead hazards of less than 2 square feet of deteriorated lead-based paint per room or equivalent, 20 square feet of deteriorated paint on the exterior of a building, or 10 percent of the total surface area of deteriorated paint on an interior or exterior type of component with a small surface area.

A.2. …

3. Hazards related to paint, dust, and soil shall be determined as follows.

a. Lead-based paint is present on any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5 percent by weight, and on any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

b. A paint-lead hazard shall be considered present:

i. on any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels defined in this Chapter;

ii. on any chewable lead-based paint surface on which there is evidence of teeth marks;

iii. where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and

iv. if there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

c. A dust-lead hazard shall be considered present:

i. in a residential dwelling or child-occupied facility when in a residential dwelling on floors and interior window sills where the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than 40 micrograms per square foot for floors and 250 micrograms per square foot for interior window sills, respectively;

ii. on floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and

iii. on floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property.

d. A soil-lead hazard shall be considered present:

i. in a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than 400 parts per million; or

ii. in the rest of the yard, when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil

from the rest of the yard (i.e., non-play areas) for each residential building on a property is equal to or greater than 1,200 parts per million.

~~3. Documented methodologies that are appropriate for this Section are found in the following: The U.S. Department of Housing and Urban Development (HUD) *Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing* (HUD-006700); *Guidance on Identification of Lead-based Paint Hazards*; Notice (FR 47248, Volume 60, Number 175); the EPA *Residential Sampling for Lead: Protocols for Dust and Soil Sampling* (EPA report number 747-R-95-001); and other equivalent methods and guidelines approved by EPA and/or HUD.~~

4. Clearance levels that are appropriate for the purposes of this Section are listed as follows:

a. dust wipes from floors/carpets: ~~100~~ 40 ~~µg/ft²~~ micrograms per square foot;

b. dust wipes on window sills: ~~500~~ 250 ~~µg/ft²~~ micrograms per square foot;

c. dust wipes on window troughs: ~~800~~ 400 ~~µg/ft²~~ micrograms per square foot;

d. dust wipes from exterior surfaces: ~~800~~ 400 ~~µg/ft²~~ micrograms per square foot;

e. lead-contaminated bare soil and lead-contaminated covered soil in areas expected to be used by children: 400 ~~µg/g~~ micrograms per gram; and

f. lead-contaminated covered soil in areas where contact by children is less likely or infrequent: ~~2000~~ 1200 ~~µg/g~~ micrograms per gram.

A.5. – D.4. …

5. In residential dwellings dust samples (either composite or single-surface samples) from the window and floor shall be collected and analyzed for lead concentrations in all living areas where one or more children, age ~~6~~ six years and under, are most likely to come into contact with ~~lead-contaminated dust~~ a dust-lead hazard.

D.6. – 6.a. …

b. other common areas in the building where the risk assessor determines that one or more children, age ~~6~~ six years and under, are likely to come into contact with ~~lead-contaminated dust~~ a dust-lead hazard.

7. For child-occupied facilities window and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentrations in each room, hallway, or stairwell utilized by one or more children, age ~~6~~ six years and under, and in other common areas in the child-occupied facility where the risk assessor determines one or more children, age ~~6~~ six years and under, are likely to come into contact with ~~lead-contaminated dust~~ a dust-lead hazard.

8. Soil samples shall be collected and analyzed for lead concentrations in the following locations:

a. exterior play areas and non-play areas where bare soil is present; and

D.8.b. – E.6.d. …

7. For any exterior abatement of lead-based paint, pre-abatement composite soil

samples following documented methodologies that incorporate adequate quality control procedures shall be taken by an accredited inspector or an accredited risk assessor next to the foundation or from the dripline below any exterior surface to be abated, unless this information is available from a current risk assessment. The samples shall be sent for analysis to a recognized laboratory capable of performing these analyses. When analysis results exceed 400 ~~ug/g~~ micrograms per gram and bare soil is present, the contractor will furnish a written copy of the analysis results to the owner/operator of the residential dwelling or child-occupied facility prior to abatement.

8. If conducted, soil abatement shall be conducted in one of the following ways:

a. if soil is removed, the lead-contaminated soil shall be replaced with soil that is not lead-contaminated. Any lead-contaminated soil that is removed shall not be used as top soil at another residential property or child-occupied facility; or

b. if soil is not removed, the lead-contaminated soil shall be permanently covered, as defined in LAC 33:III.2803.

E.9. – 9.f. …

g. the accredited inspector or the accredited risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each dust sample with applicable clearance levels for lead in dust on floors, carpets, and windows. If the residual lead levels in a dust sample are equal to or exceed the clearance levels, all the components represented by the failed sample shall be recleaned and retested until clearance levels are met. Until all applicable clearance levels for lead in dust are met, the area shall not be cleared for reoccupancy.

E.10. – 13. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1672 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), repromulgated LR 27:39 (January 2001), amended LR 28

§2817. Reciprocity

A. ~~The department will develop reciprocity agreements with other states when those states have established recognition and accreditation requirements that are at least as stringent as those set forth in this Chapter.~~ Individuals seeking accreditation from the department for a specific discipline, based upon accreditation by EPA or an EPA-approved state or Indian tribal program, shall submit copies of the following documents:

1. a valid lead-based paint activities certification (or equivalent) from EPA or an EPA-approved state or tribal program;

2. a training course certificate, issued by a training provider who, at the time the training certificate was issued, was an EPA or EPA-approved state or tribal program authorized training provider, and all subsequent annual refresher training certificates;

3. certification of a passing score on the applicable accreditation examination, if applicable;

4. an official academic transcript or diploma that meets the educational requirements in LAC 33:III.2807; and

5. a completed application for accreditation in the specific discipline and one 1" x 1 1/4" photograph of the applicant, with the appropriate fees.

B. Exception. An individual who seeks accreditation as a lead project supervisor for the purpose of obtaining a letter of approval (LAC 33:III.2809) must take the Louisiana state examination for that discipline.

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